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7 Attorney for Plaintiff

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA  
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11 \* \* \*

12 UNITED STATES OF AMERICA, ) **2:18-mj-347-PAL**  
13 )  
Plaintiff, )  
14 )  
vs. )  
15 )  
VLADIMIR ALEXANDER AYALA- )  
16 MELARA, )  
17 )  
Defendant. )  
18 )  
19

20 **STIPULATION TO CONTINUE PRELIMINARY HEARING**

21 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
22 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the  
23 United States of America, and Thomas A. Ericsson, Esq., counsel for Defendant VLADIMIR  
24 ALEXANDER AYALA-MELARA, that the preliminary hearing for the above-captioned matter,  
25 currently scheduled for August 16, 2018, at the hour of 4:00 p.m., be vacated and continued to a  
26 date and time convenient for this Court, but in no event earlier than sixty (60) days.

27 This stipulation is entered for the following reasons:  
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1           1.       The Government has made an early production of discovery to the Defendant in  
2 an effort to reach a pre-indictment plea agreement, and counsel for the Defendant needs  
3 additional time to discuss it with the Defendant.

4           2.       The parties are researching the viability of entering into a plea agreement  
5 considering the existence of a much larger investigation. Said plea agreement would obviate the  
6 need for either a preliminary hearing in this matter or for the Government to present this matter  
7 to a federal grand jury. Counsel for the Defendant will need additional time to discuss the  
8 Defendant's options with him.

9           3.       The Defendant is in custody, but he does not object to the continuance.

10          4.       Denial of this request for continuance of the preliminary hearing would  
11 potentially prejudice both the Defendant and the Government and unnecessarily consume this  
12 Court's valuable resources, taking into account the exercise of due diligence.

13          5.       Additionally, denial of this request for continuance could result in a miscarriage  
14 of justice.

15          6.       The additional time requested by this stipulation is excludable in computing the  
16 time within which the defendant must be indicted and the trial herein must commence pursuant  
17 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under  
18 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

19          7.       This is the fifth request for a continuance of the preliminary hearing herein.  
20 DATED: August 15, 2018.

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22                   /s/  
23 PHILLIP N. SMITH, JR.  
24 Assistant United States Attorney  
25 Counsel for the United States

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22                   /s/  
23 THOMAS A. ERICSSON, ESQ.  
24 Counsel for the Defendant

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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 UNITED STATES OF AMERICA, ) **2:18-mj-347-PAL**  
7 )  
8 Plaintiff, ) **ORDER CONTINUING**  
9 ) **PRELIMINARY HEARING**  
10 vs. )  
11 )  
12 VLADIMIR ALEXANDER AYALA- )  
MELARA, )  
Defendant. )  
\_\_\_\_\_ )

13  
14 **ORDER**

15 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**  
16 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently  
17 scheduled for August 16, 2018, at the hour of 4:00 p.m., be vacated and continued to  
18 October 15, 2018 at the hour of 4:00 p.m.

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21 UNITED STATES MAGISTRATE JUDGE  
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